REMARKS/ARGUMENTS

The present amendment is in response to the Office Action mailed May 16, 2003, in which Claims 1 through 20 were rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the reference cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the amendments made herein, are believed to render all claims at issue patentably distinguishable over the cited references.

Claims 7, 9, 10, 19 and 20 are amended herein. No claims are cancelled. No claims are added. Accordingly, Claims 1 through 20 remain pending.

All the changes are made for clarification and are based on the application and drawings as originally filed. It is respectfully submitted that no new matter is added.

Applicants respectfully request reconsideration in light of the above amendments and the following remarks.

DOUBLE PATENTING REJECTION

With respect to Paragraphs 1 and 2 of the Office Action, the Examiner

rejected Claims 1, 3, 5-11, 13, and 15-20 under the judicially created doctrine of double patenting over Claims 1-12 of USPN 6,492,214.

With respect to Paragraphs 1 and 3 of the Office Action, the Examiner rejected Claims 4 and 14 under the judicially created doctrine of double patenting over Claims 1-12 of US 6,492,214 in view of Huang *et al.* (USPN 6,080,639).

With respect to Paragraphs 1 and 4 of the Office Action, the Examiner rejected Claims 2 and 12 are also rejected under the judicially created doctrine of double patenting over Claims 1-12 of USPN 6,492,214 in view of admitted prior art.

The Assignee agrees to sign a terminal disclaimer, which is being submitted herewith, to overcome the rejection under obviousness-type double patenting.

Reconsideration and withdrawal of the double patenting rejection are respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. SECTION 112

With respect to Paragraphs 5 and 6 of the Office Action, the Examiner rejected Claims 10 and 20 under 35 U.S.C. §112 as being indefinite for failing

to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner stated that it is unclear if the ratio can be 0.

In Claim 10 and 20, "has a range from 0 to 1" has been amended for clarification to –has a range between 0 and 1-- to overcome the rejection.

Reconsideration and withdrawal of the rejection under 35 U.S.C. Section 112 are respectfully requested.

CLAIM OBJECTIONS

With respect to Paragraph 7 of the Office Action, the Examiner objected to Claims 7, 9 and 19 as being of improper dependent form for failing to further limit the subject matter of a previous claim.

In Claims 7, 9 and 19, "etching rate ratio has a range from 1 to 10" has been amended for clarification to --etching rate ratio has a rang between 1 and 10-- to overcome the objection.

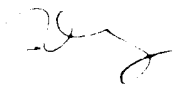
Reconsideration and withdrawal of the objections to Claims 7, 9 and 19 are respectfully requested.

CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that all pending Claims 1 through 20 as currently presented are in condition for allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-624-3947 in an effort to resolve any matter still outstanding *before* issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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TTM/hs